

**LAWS AND REGULATIONS RELATING TO
REGISTRATION AS A PROFESSIONAL GEOLOGIST**



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TABLE OF CONTENTS

KENTUCKY REVISED STATUTES

KRS 332A.010	Definitions for chapter.....	1
KRS 322A.020	Board or Registration for Professional Geologists – Membership – Removal and filling of vacancies – Officers – Compensation of members.....	1
KRS 322A.030	Meetings – Duties and powers – Roster of registered professional geologists – Code of professional conduct.....	2
KRS 322A.040	Requirements for registration.....	3
KRS 322A.045	Qualifications for geologists-in-training.....	4
KRS 322A.050	Application fees – Disposition – Surety bond.....	4
KRS 322A.060	Renewal of certificates – Suspension and revocation for nonpayment of renewal fees.....	5
KRS 322A.070	Certificates of registration – Use of seal or stamp by registrant.....	5
KRS 322A.080	Exemptions from registration requirements.....	6
KRS 322A.090	Prohibitions relating to practice of geology by person who is not a registered geologist.....	6
KRS 322A.100	Grounds for suspension or other action by board.....	6
KRS 322A.990	Penalties.....	7

KENTUCKY ADMINISTRATIVE REGULATIONS

201 KAR 31:010	Fees.....	8
201 KAR 31:020	Compensation of board members.....	9
201 KAR 31:030	Temporary permission to practice.....	9
201 KAR 31:040	Examinations and Applications.....	9
201 KAR 31:050	Renewals.....	11
201 KAR 31:060	Code of professional conduct.....	12
201 KAR 31:080	Geologist-in training.....	15
201 KAR 31:090	Complaint management process.....	15

KENTUCKY REVISED STATUTES

322A.010 Definitions for chapter.

As used in this chapter, unless the context requires otherwise:

- (1) "Geology" means the science which treats the earth as a whole; the investigation, analysis, classification, and location of the rocks and other materials which compose the earth's crust; the study of minerals, gases, and liquids composing and contained within the earth's crust; and the study of geologic materials and processes;
- (2) "Geologist" means a person who is qualified by reason of his knowledge of the principles of geology, acquired by professional education and practical experience, to engage in the public practice of geology;
- (3) "Public practice of geology" means the performance of service to the public in connection with the geological description, location, or evaluation of earth materials, liquids, and gases and the natural processes acting upon them. The "public practice of geology" does not include:
 - (a) The practice of engineering or land surveying as defined in KRS Chapter 322; or
 - (b) Design recommendations, design, or plans related to the practice of engineering or land surveying as defined in KRS Chapter 322.
- (4) "Registered geologist" means a person who is registered as a geologist under the provisions of this chapter;
- (5) "Qualified geologist" means a person who possesses all the qualifications specified in KRS 322A.040 for registration except that he is not now registered in Kentucky; and
- (6) "Board" means the Kentucky Board of Registration for Professional Geologists.
- (7) "Geologist-in-training" means an individual who has met the academic qualifications established by the board, who has successfully passed a written examination approved by the board demonstrating knowledge of the fundamentals of geology, and who has been enrolled by the board as a geologist-in-training.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 159, sec. 1, effective June 20, 2005. -- Created 1992 Ky. Acts ch. 64, sec. 1, effective July 14, 1992.

322A.020 Board of Registration for Professional Geologists -- Membership -- Removal and filling of vacancies -- Officers -- Compensation of members.

- (1) There is created and established the Board of Registration for Professional Geologists, which shall administer the provisions of this chapter. All board members shall be residents of Kentucky and be appointed by the Governor. The initial board shall consist of four (4) qualified geologists, one (1) of whom shall be the state geologist, and one (1) member representing the public at large. With the exception of the member representing the public at large, all subsequent board members shall be registered geologists. The initial terms of appointment, which shall be made within ninety (90) days of July 14, 1992, shall consist of one (1) member being appointed for a term of one (1) year, one (1) member being appointed for a term of two (2) years, one (1) member being appointed for a term of three (3) years, and one (1) member being appointed for a term of four (4) years. The fifth member shall always be the state geologist. Thereafter, the term of the members

- of the board shall always be for four (4) years and until their successors are appointed and qualified.
- (2) Board members may succeed themselves. The Governor may remove any member from the board for misconduct, incompetence, neglect of duty, or for any good and sufficient cause, in the manner prescribed by law. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the Governor.
 - (3) Three (3) members of the board shall constitute a quorum.
 - (4) There shall be no liability on the part of and no cause of action of any nature shall arise against the board, or its agents, for any action taken in the performance of the board's powers and duties under this chapter.
 - (5) The board shall elect from its members a chair and secretary each year.
 - (6) At least thirty (30) days prior to the appointment date each year, the Governor shall receive a list of not more than three (3) nominations for board members from a joint committee of the Geological Society of Kentucky and the Kentucky Section of the American Institute of Professional Geologists. The appointed members on the board shall be selected from the list submitted to the Governor by the joint committee.
 - (7) While discharging duties associated with the board, including meetings of the board and its committees and necessary travel, each member shall receive compensation as established by administrative regulation of the board promulgated in accordance with KRS Chapter 13A. Members of the board shall be reimbursed for costs for actual travel, and for incidental, clerical and all other actual and necessary expenses incurred in the discharge of official duties associated with the board.

Effective: July 14, 1992

History: Created 1992 Ky. Acts ch. 64, sec. 2, effective July 14, 1992.

322A.030 Meetings -- Duties and powers -- Roster of registered professional geologists -- Code of professional conduct.

- (1) The board shall meet at least once each calendar year and at other times deemed necessary by the chair or a quorum of the board upon being given ten (10) days' notice.
- (2) A roster showing the names and places of business of all registered professional geologists shall be published by the secretary of the board each year. Copies of this roster shall be made available to each person registered, placed on file with the secretary of the board, and furnished to the public upon request.
- (3) The board shall pass upon the qualifications of applicants for registration.
- (4) The board shall require from applicants for registration evidence of their qualifications and shall judge each applicant on evidence of the applicant's professional competency and integrity in accordance with administrative regulations promulgated by the board.
- (5) The board may promulgate administrative regulations consistent with the provisions of this chapter appropriate and necessary to the conduct of its responsibilities and duties.
- (6) The board shall promulgate by administrative regulation a code of professional conduct a copy of which shall be distributed to every registered geologist. Mailing of a copy of this code to persons listed in the roster maintained under subsection (2) of this section shall constitute due notice to all registrants. The board may revise and amend the code of ethics from time to time, subject to the consent of the majority of the registrants, and shall notify each registrant in writing of any revisions or amendments.

- (7) The board may take appropriate disciplinary action as provided for in KRS 322A.100, but only after written notice has been given the person concerned and the person is afforded an opportunity for a hearing to be conducted in accordance with KRS Chapter 13B.
- (8) Any person or organization may prefer charges of fraud, deceit, gross negligence, or misconduct against any registrant. The charges shall be in writing, shall be sworn to by the person or officer of the organization making them, and shall then be filed with the board.
- (9) Any person who feels aggrieved by any final order of the board may appeal to the Franklin Circuit Court in accordance with KRS Chapter 13B.
- (10) The Attorney General or any assistants designated by him shall act as legal advisers to the board and render legal assistance as the board may from time to time require. The board may employ private counsel at its discretion. The cost of private counsel shall be paid exclusively from funds of the board.
- (11) The board shall establish and maintain necessary offices within this Commonwealth, employ personnel as necessary, and prescribe their duties and compensation.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 318, sec. 286, effective July 15, 1996. -- Created 1992 Ky. Acts ch. 64, sec. 3, effective July 14, 1992.

322A.040 Requirements for registration.

- (1) In order to qualify for registration, an applicant shall meet all of the following requirements:
 - (a) Successful completion of a minimum of thirty (30) semester hours or forty-five (45) quarter hours of course work in geology, culminating in a baccalaureate or advanced degree in geology, geophysics, geochemistry, or geological/geotechnical engineering from an accredited college or university. At the discretion of the board, courses dealing with applied geological science that are given under the auspices of an academic department other than geology may be considered toward the fulfillment of this requirement. During the twelve (12) month period beginning one hundred and eighty (180) days after July 14, 1992, the board may waive the education requirements for persons who derive their livelihood from the public practice of geology who do not meet the education requirements, but who can demonstrate to the satisfaction of the board their competency and who have at least eight (8) years of experience in geology.
 - (b) Five (5) years of experience in professional geologic work. Professional geologic work may include the instruction of geology at the college or university level, the geological research of persons at the college or university level, geological work performed while in the employment of the United States, state, or local governments. In counting years of experience, the board may give one (1) year of credit each for a master's degree or doctoral degree in geology, geophysics, geochemistry or geological/geotechnical engineering.
 - (c) A passing score on an examination required by the board that has been designed to demonstrate that the applicant has the necessary knowledge and skill to exercise the responsibilities of the public practice of geology.
 - (d) Enrollment by the board as a geologist-in-training.
- (2) During the twelve (12) month period beginning one hundred and eighty (180) days after July 14, 1992, the board shall waive the examination requirement for applicants qualified by education and experience as provided in subsection (1) of this section.

- (3) Credit toward the experience and education requirements shall be subject to evaluation and approval by the board.
- (4) Documentation of competency and integrity may be required by the board.
- (5) Upon application, registration may be provided to those registered or certified as geologists in another state having standards at least equal to those provided in this section. During a twelve (12) month period beginning one hundred and eighty (180) days after July 14, 1992, registration may be provided to those holding a valid certification from the American Institute of Professional Geologists or the Division of Professional Affairs of the American Association of Petroleum Geologists.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 159, sec. 2, effective June 20, 2005. -- Created 1992 Ky. Acts ch. 64, sec. 4, effective July 14, 1992.

322A.045 Qualifications for geologist-in-training.

The applicant for certification as a geologist-in-training shall demonstrate the following as evidence that he or she is qualified:

- (1) Successful completion of a minimum of thirty (30) semester hours or forty-five (45) quarter hours of course work in geology culminating in a baccalaureate or advanced degree in geology, geophysics, geochemistry, or geological or geotechnical engineering from an accredited college or university. At the discretion of the board, courses dealing with applied geological science given under the auspices of an academic department other than geology may be considered toward fulfillment of this requirement.
- (2) A passing score on the board's examination in the fundamentals of geology. The board may allow students enrolled in the final year of an approved undergraduate program to take this examination. Upon passing the examination, the applicant may apply to the board to be enrolled and receive a certificate as a geologist-in-training.

Effective: June 20, 2005

History: Created 2005 Ky. Acts ch. 159, sec. 4, effective June 20, 2005.

322A.050 Application fees -- Disposition -- Surety bond.

An applicant for registration shall pay a nonrefundable fee established by regulation of the board. If the board declines to issue registration to any applicant, the initial fee paid by the applicant shall be retained as an application fee. All fees paid to and collected by the board under the provisions of this section and KRS 322A.070 shall be deposited in a revolving trust and agency account under the jurisdiction of the board. The officers or employees of the board who shall be designated to collect and disburse funds represented by these fees shall be required to execute a bond, with corporate surety, in an amount to be determined by the board.

Effective: July 14, 1992

History: Created 1992 Ky. Acts ch. 64, sec. 5, effective July 14, 1992.

322A.060 Renewal of certificates -- Suspension and revocation for nonpayment of renewal fees.

- (1) All certificates of registration shall expire annually at a time and date designated by the board. The board shall notify every person registered under this chapter of the date of expiration of his certificate and the amount of the renewal fee which shall be fixed by the board.
- (2) When the renewal fee is not paid within ninety (90) days after the expiration date, that individual's certificate of registration shall be suspended and the name shall be deleted from the roster of the board until the renewal fee is paid.
- (3) When the renewal fee is not paid for two (2) annual periods, that individual's certificate of registration shall be revoked and shall not be renewed. In the event that an individual whose registration has been revoked desires to be again registered, an application shall be submitted to the board and the individual shall be considered as a new applicant.

Effective: July 14, 1992

History: Created 1992 Ky. Acts ch. 64, sec. 6, effective July 14, 1992.

322A.070 Certificates of registration -- Use of seal or stamp by registrant.

- (1) The board shall issue a certificate of registration, upon payment of the registration fee, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements for registration under KRS 322A.040. Certificates of registration shall show the full name of the board. The issuance of a certificate of registration by the board shall be prima facie evidence that the person named thereon is entitled to all the rights and privileges of a registered geologist while the certificate of registration remains in force.
- (2) Each registrant may, upon registration, obtain and use a seal or stamp of registration of the design authorized by the board, containing the registrant's name and number and the legend "Registered Professional Geologist."
- (3) A replacement certificate of registration may be issued, subject to the administrative regulations of the board, to replace any certificate lost, destroyed or mutilated.
- (4) No person shall affix his signature or stamp, seal, or certify any reports or other documents after the certificate of registration of the registrant named thereon has been suspended or revoked, unless the certificate of registration has been renewed or reissued.
- (5) The board shall issue a certificate of certification as a geologist-in-training to an applicant who pays the registration fee and who, in the opinion of the board, has satisfactorily met the requirements of KRS 322A.045. Certificates of certification shall show the full name of the applicant and the full name of the board. The issuance of a certificate of certification by the board shall be prima facie evidence that the person named thereon has enrolled and is entitled to the rights and privileges of a geologist-in-training while the certificate remains in effect. The board shall determine the initial and expiration dates for the certificate.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 159, sec. 3, effective June 20, 2005. -- Created 1992 Ky. Acts ch. 64, sec. 7, effective July 14, 1992.

322A.080 Exemptions from registration requirements.

The following persons shall be exempt from the requirements of registration under this chapter:

- (1) Officers and employees of the United States, state or local governments while engaged in providing geological services for their employers;
- (2) Persons engaged solely in geologic research or the instruction of geology;
- (3) Professional engineers registered in this Commonwealth under KRS Chapter 322 who apply geology to the practice of engineering; or
- (4) Persons not engaged in the public practice of geology.

Effective: July 14, 1992

History: Created 1992 Ky. Acts ch. 64, sec. 8, effective July 14, 1992.

322A.090 Prohibitions relating to practice of geology by person who is not a registered geologist.

- (1) With the exception of persons exempted under KRS 322A.080, it shall be unlawful for any person other than a registered geologist or a subordinate under the direction of a registered geologist to prepare any geologic reports or documents that are required by statute or administrative regulation.
- (2) No person shall engage in the public practice of geology, or offer to publicly practice geology, in this Commonwealth, as defined in KRS 322A.010, or to use or otherwise assume, or advertise in any way any title or description tending to convey the impression that the person is a registered geologist, unless the person has been duly registered under the provisions of this chapter.

Effective: July 14, 1992

History: Created 1992 Ky. Acts ch. 64, sec. 9, effective July 14, 1992.

322A.100 Grounds for suspension or other action by board.

The board may suspend any registrant, refuse to renew or revoke the certificate of any registrant, reprimand any registrant, or place any registrant on probation, when the registrant is found guilty by the board of:

- (1) Fraud or deceit in obtaining a license;
- (2) Gross negligence, incompetence, or misconduct in the practice of geology;
- (3) Conviction by a court of law of a felony or a crime involving moral turpitude;
- (4) Violation of the code of ethics promulgated by the board; or
- (5) The commission of any unlawful act as set forth in KRS 322A.990.

Effective: July 14, 1992

History: Created 1992 Ky. Acts ch. 64, sec. 10, effective July 14, 1992.

322A.990 Penalties.

Any person who commits any of the following acts shall be guilty of a Class B misdemeanor:

- (1) Publicly practicing, or offering to publicly practice geology for others in this Commonwealth without being registered in accordance with the provisions of this chapter;
- (2) Presenting or attempting to use as his own the certificate of registration or the seal of another;
- (3) Giving any false or forged evidence of any kind to the board or to any member thereof in obtaining a certificate of registration;
- (4) Falsely impersonating any other registrant of like or different name; or
- (5) Attempting to use an expired or revoked certificate of registration to practice at any time during a period the board has suspended or revoked the certificate of registration.

Effective: July 14, 1992

History: Created 1992 Ky. Acts ch. 64, sec. 11, effective July 14, 1992.

KENTUCKY ADMINISTRATIVE REGULATIONS

201 KAR 31:010. Fees.

RELATES TO: KRS 322A.050, 322A.060, 322A.070

STATUTORY AUTHORITY: KRS 322A.030(5), 322A.050, 322A.060(1), 322A.070(1), (3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322A.050 requires the board to establish the application and examination fees. KRS 322A.060 requires the board to establish renewal fees. KRS 322A.070 requires the board to establish the replacement fee. This administrative regulation sets forth the fees charged by the board to apply for registration or certification, sit for the examination, and renew and reinstate a registration.

Section 1. Application Fee. The application fee for registration as a professional geologist or certification as a geologist-in-training shall be non-refundable pursuant to KRS 322A.050 and shall be paid with the filing of the application.

(1) The application fee for registration as a professional geologist or certification as a geologist-in-training for each application filed from January 1 to September 30 of each odd numbered year shall be fifty (50) dollars.

(2) The application fee for registration as a professional geologist or certification as a geologist-in-training for each application filed from October 1 of each odd numbered year to December 31 of each even numbered year shall be \$100.

Section 2. Examination Fees. The following fees shall be paid with the filing of the registration or certification application in connection with the licensure examinations required by the board:

(1) The fee for the Fundamentals of Geology (FG) portion of the examination shall be \$175 for each initial and subsequent administration.

(2) The fee for the Practice of Geology (PG) portion of the examination shall be \$225 for each initial and subsequent administration.

Section 3. Biennial Renewal Fees and Penalties. The following fees shall be paid in connection with licensure and certification renewals and late renewal penalties:

(1) The biennial renewal fee for registration as a professional geologist or certification as a geologist-in-training shall be \$100;

(2) The late biennial renewal fee as a professional geologist or certification as a geologist-in-training, including penalty, for late renewal during the ninety (90) day grace period shall be \$150; and

(3) The reinstatement fee for registration as a professional geologist or certification as a geologist-in-training renewal after the end of the ninety (90) day grace period and before the registration or certification is revoked pursuant to KRS 322A.060(3) shall be \$200.

Section 4. Duplicate Registration or Certification Fees. The fee for a duplicate of the original registration or certification certificate shall be ten (10) dollars. (19 Ky.R. 1019; eff. 11-24-92; Am. 20 Ky.R. 3222; eff. 8-4-94; 28 Ky.R. 134; 560; eff. 9-10-2001; 32 Ky.R. 937; 1221; eff. 2-3-06; 39 Ky.R. 2386; 40 Ky.R. 536; eff. 10-4-2013.)

201 KAR 31:020. Compensation of board members.

RELATES TO: KRS 322A.020(7)

STATUTORY AUTHORITY: KRS 322A.020(7), 322A.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322A.020(7) requires the board to set the compensation for board members by administrative regulation. This administrative regulation sets the compensation of board members.

Section 1. Eligible members of the board shall receive compensation in the amount of \$150 per day for each day of actual board service and travel expenses to the extent authorized by 200 KAR Chapter 2. (20 Ky.R. 451; eff. 10-8-93; 39 Ky.R. 2387; eff. 10-4-2013.)

201 KAR 31:030. Temporary permission to practice.

RELATES TO: KRS 322A.030(3), (4)

STATUTORY AUTHORITY: KRS 322A.030(5)

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation establishes the requirements for the granting of temporary permission to engage in the public practice of geology.

Section 1. (1) A temporary permit to engage in the public practice of geology may be granted to an applicant who has completed all of the requirements for registration except the examination and has applied for registration under the provisions of this chapter.

(2) The temporary permit shall allow the applicant to engage in the public practice of geology under the supervision of a person credentialed by the board as a registered geologist.

(3) The request for a temporary permit shall be accompanied by a letter from the supervising registered geologist acknowledging the responsibility for supervision and for the practice of the person holding the temporary permit.

(4) No registered geologist may serve as the supervisor of record for more than two (2) persons holding a temporary permit at any one (1) time.

(5) Supervision during the period of temporary permission to practice shall be a minimum of one (1) hour of individual, face-to-face supervision per week.

(6) The temporary permit shall be valid until the applicant for registration is issued or denied registration under the provisions of KRS Chapter 322A, but in no instance shall the temporary permit extend for more than sixty (60) days following the second examination offered after the applicant has applied for registration.

(7) No more than one (1) temporary permit shall be granted for any applicant for registration. (20 Ky.R. 3345; eff. 8-4-94.)

201 KAR 31:040. Applications and Examinations.

RELATES TO: KRS 322A.030(3), (4), 322A.040(1)(c), 322A.045

STATUTORY AUTHORITY: KRS 322A.030(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322A.040(1)(c) requires administrative regulations governing the examination of applicants for registration. KRS 322A.045 requires the board to promulgate an administrative regulation governing the examination for an applicant for certification as a geologist-in-training. This administrative regulation establishes requirements concerning examinations.

Section 1. General Requirements. (1) The board shall furnish to applicants pertinent instructions and establish the examination schedule which shall include: the place, the time, and the final date by which the board shall have received the applicant's materials.

(2) An applicant for examination shall submit a complete application and pay the application and examination fees required by 201 KAR 31:010 to the board when filing the application. Once the application has been approved by the board, the applicant shall be scheduled to take the examination at the next regularly scheduled date.

(3) If an applicant fails to appear for the scheduled examination and presents a valid reason in writing no later than thirty (30) days after the missed examination date for missing the examination, such as illness or death in the immediate family, the examination may be deferred until the next scheduled date upon payment of a twenty-five (25) dollar fee.

(4) If an applicant fails to appear for or to complete the examination without a valid reason, the applicant shall forfeit all examination fees paid.

(5) If an applicant fails to appear for a second scheduled examination, without presenting a valid reason in writing such as illness or death in the immediate family, the application shall be terminated on the date of the examination, and the applicant shall be denied registration on the basis of failure of the examination by default. The applicant shall not engage in the public practice of geology or otherwise violate KRS 322A.090(2).

(6) An applicant who fails to complete the application and examination process within one (1) year of the date of filing of the application shall file a new application and pay the fees required by 201 KAR 31:010 in order to be eligible for registration or certification unless the applicant has obtained a deferral under subsection (3) of this section.

Section 2. Examination for Registration. (1) An applicant for registration shall submit to an examination composed of the Fundamentals of Geology (FG) and the Practice of Geology (PG) developed and owned by the National Association of State Boards of Geology (ASBOGÒ). The applicant shall obtain a scaled score equal to passage of seventy (70) percent on both the Fundamentals of Geology (FG) and the Practice of Geology (PG) examinations.

(2) An applicant shall provide a current, government-issued, photographic identification when taking the examination.

(3) If an applicant for registration fails one (1) or both of the examinations, the applicant may, with payment of the required fee, be rescheduled to take the examination at the next regularly scheduled examination date. An applicant who fails one (1) of the examinations shall be required to retake only the examination on which the applicant failed to achieve a passing scaled score.

(4) If the applicant is practicing under a temporary permit, the applicant may continue to practice under the supervision of a registered geologist until achieving a passing score on the examination or until sixty (60) days after the second examination offered after the applicant has been approved for registration.

Section 3. Examination for Certification as a Geologist-in-Training. An applicant for certification as a Geologist-in-Training shall:

(1) Submit to an examination composed of the Fundamentals of Geology (FG) developed and owned by the National Association of State Boards of Geology (ASBOGÒ);

(2) Obtain a scaled score equal to passage of seventy (70) percent; and

(3) Not take this examination prior to the applicant's final semester or quarter from an accredited college or university.

Section 4. Incorporation by Reference. (1) "Application for Registration as a Professional Geologist", 7-10-2013, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright laws, at the Kentucky Board of Registration for Professional Geologists, 911 Leawood Drive, Frankfort, Kentucky 40601, (502) 564-3296, Monday through Friday, 8 a.m. to 5:00 p.m. (20 Ky.R. 3346; eff. 8-4-94; 32 Ky.R. 938; 1221; eff. 2-3-2006; 39 Ky.R. 2388; 40 Ky.R. 537; eff. 10-4-2013.)

201 KAR 31:050. Renewals.

RELATES TO: KRS 322A.060, 322A.070

STATUTORY AUTHORITY: KRS 322A.030(5), 322A.060, 322A.070

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322A.060 establishes conditions for the renewal, suspension, and revocation of certificates of registration. KRS 322A.070 authorizes the board to determine the initial and expiration dates for certificates of certification. KRS 322A.030(5) authorizes the board to promulgate administrative regulations required to perform its duties. This administrative regulation establishes procedures for the renewal of certificates of registration and certification.

Section 1. (1) A registered professional geologist or certified geologist-in-training shall before October 1 of each odd numbered year:

(a) File a completed renewal application using the:

1. Application for Renewal as a Professional Geologist; or
2. Application for Renewal as a Geologist-in-Training; and

(b) Pay to the board the renewal fee established by 201 KAR 31:010, Section 3(1).

(2)(a) A certificate of registration that is not renewed before October 1 of each odd numbered year shall expire as provided by KRS 322A.060(1).

(b) A certificate for a geologist-in-training that is not renewed before October 1 of each odd numbered year shall expire as provided by KRS 322A.070.

Section 2. A ninety (90) day grace period shall be allowed beginning October 1 of each odd numbered year, during which a registered professional geologist or certified geologist-in-training may:

(1) Continue to practice; and

(2) Renew his or her certificate of registration or certification by filing a completed renewal application and by paying the renewal fee as provided by 201 KAR 31:010, Section 3(1).

Section 3. (1) A certificate of registration or certification that is not renewed on or before December 29 of each odd numbered year shall be suspended for non-renewal.

(2) Upon suspension, the registered professional geologist or certified geologist-in-training shall:

(a) Not practice geology in Kentucky;

(b) Be notified by the Board at the last known address available to the board of the suspension; and

(c) Be instructed to cease and desist the public practice of geology in Kentucky.

Section 4. After the ninety (90) day grace period and before the end of two (2) years, a professional geologist or geologist-in-training suspended for failure to renew may have his or her certificate of registration or certification reinstated upon:

(1) Payment of the reinstatement fee as provided by 201 KAR 31:010, Section 3(3);

(2) Completion of the:

(a) Application for Reinstatement as a Professional Geologist; or

(b) Application for Reinstatement as a Geologist-in-Training; and

(3) Documentation of employment and description of job duties from the time of suspension until the date of the renewal application.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Application for Renewal as a Professional Geologist", July 10, 2013;
- (b) "Application for Renewal as a Geologist-in-Training", July 10, 2013;
- (c) "Application for Reinstatement as a Professional Geologist", July 10, 2013; and
- (d) "Application for Reinstatement as a Geologist-in-Training", July 10, 2013.

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201 KAR 31:060. Code of professional conduct.

RELATES TO: KRS 322A.010, 322A.030(6), 322A.100

STATUTORY AUTHORITY: KRS 322A.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322A.030(6) requires the board to promulgate by administrative regulation a code of professional conduct. KRS 322A.030(5) authorizes the board to promulgate administrative regulations necessary to conduct its responsibilities and duties. KRS 322A.100 authorizes the board to discipline a registered professional geologist or geologist-in-training. This administrative regulation establishes a code of professional conduct, which includes a list of grounds for disciplinary action against a registered professional geologist or geologist-in-training.

Section 1. Public Trust and Welfare. (1) The public practice of geology requires professional ethical conduct and professional responsibility, as well as scientific knowledge on the part of the registered professional geologist or geologist-in-training.

(2) A registered professional geologist or geologist-in-training shall protect, to the fullest extent possible, the public health and welfare, and public and private property, in carrying out the public practice of geology.

Section 2. Integrity in Professional Practice. (1) A registered professional geologist or geologist-in-training shall be guided by the highest standards of ethics, honesty, integrity, personal honor, fairness, and professional conduct when engaged in the public practice of geology.

(2) A registered professional geologist or geologist-in-training shall provide professional service only within his or her scope of competency as determined by education, training, or experience in the technical areas involved.

(3) A registered professional geologist or geologist-in-training shall:

(a) Render professional services and shall apply appropriate technical knowledge and skills consistent with the standards of the profession;

(b) Distinguish between fact and opinion in all estimates, descriptions, locations, and evaluations provided;

(c) Document all assumptions applied to estimates, descriptions, locations, and evaluations; and

(d) Base his or her professional conclusions upon empirical knowledge and commonly recognized geological principles.

(4) A registered professional geologist or geologist-in-training shall not use, issue, or provide false, misleading, or deceptive information.

(5) A registered professional geologist shall sign and seal only professional work for which he or she has direct professional knowledge for which he or she shall be responsible.

Section 3 Relationship of Registered Professional Geologists and Geologist-In-Training to Employer or Client. (1) A registered professional geologist and geologist-in-training shall provide adequate and accurate representation of his or her credentials, qualifications, and scope of responsibilities for all previous professional and academic experience when negotiating with prospective employers or clients.

(2) A registered professional geologist and geologist-in-training shall protect the interest of his or her employer or client, and the confidentiality of information obtained from an employer or client.

(3) It shall not be a violation of subsection (2) of this section if a registered professional geologist or a geologist-in-training reports in good faith an immediate or potential danger to the health, safety, or welfare of the public to the appropriate federal, state, or local authority.

(4) A registered professional geologist or geologist-in-training shall avoid conflict of interest with an employer or client and shall disclose the circumstances to the employer or client if a conflict exists. A registered professional geologist or geologist-in-training shall disclose to all parties:

(a) Any financial interest, compensation, or other value made to any person for the purpose of securing a contract, assignment, or engagement;

(b) Any financial or beneficial interest the registered professional geologist or geologist-in-training has in any contract or entity providing goods or services, other than services for the public practice of geology, to a project or engagement;

(c) Any financial interest, compensation, or other value from more than one (1) employer or client on the same or substantially similar project; or

(d) Any financial interest, compensation, or other value which affects the registered professional geologist's or geologist-in-training's employment or client.

(5) A registered professional geologist or geologist-in-training in the public practice of geology shall not engage in fraud or material deception in the delivery of professional services, including reimbursement or compensation.

(6) A registered professional geologist or geologist-in-training shall give reasonable notice of withdrawal of service from an employer or client except that the registered professional geologist or geologist-in-training may withdraw without reasonable notice if:

(a) The registered professional geologist or geologist-in-training fails to receive adequate compensation, or has reasonable cause to believe that compensation for services performed will not be received;

(b) The registered professional geologist or geologist-in-training knows, or has reasonable cause to believe, that continued employment will result in a violation of KRS Chapter 322A, 201 KAR Chapter 31, or otherwise be in violation of local, state, or federal law;

(c) The registered professional geologist or geologist-in-training knows, or has reasonable cause to believe, that the employer or client is in violation of local, state, or federal law or is involved in fraudulent or deceptive practices, or practices dangerous to the public health and welfare or property; or

(d) The registered professional geologist or geologist-in-training knows, or has reasonable cause to believe, that continued employment may result in sickness or injury to the registered professional geologist, geologist-in-training, or third-parties who may be affected.

Section 4. Relationship of Professional Geologists and Geologists-in-Training to Other Related Disciplines. (1) A registered professional geologist or geologist-in-training shall:

(a) Give credit for work done by others to whom credit is due;

(b) Not plagiarize oral and written communications; and

(c) Not knowingly accept credit due another.

(2) A registered professional geologist or geologist-in-training shall engage, or advise an employer or client to engage, other experts or specialists if in the best interests of the employer or client.

(3) If a registered professional geologist or geologist-in-training has knowledge or reasonable cause to believe another person or geologist is in violation of any provision of KRS Chapter 322A or 201 KAR Chapter 31, the registered professional geologist or geologist-in-training shall file an initiating complaint pursuant to 201 KAR 31:090.

(4) A registered professional geologist shall provide adequate supervision and training to other registered professional geologists or other geologists-in-training the registered professional geologist is supervising, and make them aware of this code of professional conduct.

Section 5. Grounds for Disciplinary Action. (1) A registered professional geologist or geologist-in-training shall not:

(a) Violate any provision of KRS Chapter 322A or 201 KAR Chapter 31 including this code of professional conduct;

(b) Issue a false, misleading, or deceptive statement or information, or make a sensational, exaggerated, or unwarranted statement while engaged in the public practice of geology;

(c) Defraud or deceive a client or employer while engaged in the practice of geology;

(d) Fail to comply with an order issued by the board;

(e) Fail to cooperate with the board by:

1. Unreasonably refusing to furnish a document or other tangible evidence requested by the board;

2. Unreasonably refusing to furnish in writing a complete explanation covering a matter contained in a complaint against the registered professional geologist or geologist-in-training filed with the board;

3. Not appearing before the board at a time and place designated by the board during the investigation of a complaint or hearing without good cause; or

4. Not properly responding to a subpoena issued by the board.

(f) Aide or abet an unregistered person or uncertified in the public practice of geology when registration or certification is required;

(g) 1. Be convicted of:

a. A felony; or

b. A misdemeanor which may impact that person's ability to engage in the public practice of geology with reasonable care and skill; and

2. A conviction shall include:

a. A finding or verdict of guilt;

b. An admission of guilt;

c. A plea of Alford or nolo contendere; or

d. The suspension or deferral of a sentence; or

(h) Engage in the public practice of geology if the registered professional geologist or geologist-in-training may be impaired by a reason of a mental, physical, or other condition that impedes his or her ability to practice competently.

(2) A registered professional geologist shall not:

(a) Fail to provide adequate supervision to persons for whom the registered professional geologist is professionally responsible; and

(b) Sign, seal, or stamp professional geological work not prepared under his or her direct professional knowledge, control or supervision. (23 Ky.R. 213; Am. 1583; eff. 9-13-96; 32 Ky.R. 941; 1223; eff. 2-3-2006; 39 Ky.R. 2391; 40 Ky.R. 537; eff. 10-4-2013.)

201 KAR 31:080. Geologist-in-training.

RELATES TO: KRS 322A.010(6), 322A.045(2), 322A.070(5)

STATUTORY AUTHORITY: KRS 322A.030(5), 322A.045(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322A.070(5) authorizes the board to issue a certificate as a geologist-in-training to a person who pays the required fee and who, in the opinion of the board, meets the requirements established in KRS 322A.045. KRS 322A.010(6) authorizes the board to set the academic qualifications and establishes the examination and passing score required for certification as a geologist-in-training. KRS 322A.070(5) indicates that a person who is issued a certificate as a geologist-in-training is entitled to certain rights and privileges while credentialed. KRS 322A.030(5) authorizes the board to promulgate administrative regulations necessary to the conduct of its responsibilities and duties. This administrative regulation establishes the examination, and the required passing score for certification, and establishes the rights and privileges relative to the practice of a geologist-in-training.

Section 1. Examination and Passing Score. (1) The examination required by KRS 322A.045(2) shall be the Fundamentals of Geology (FG), developed and owned by the National Association of State Boards of Geology (ASBOG®).

(2) The passing score on the examination shall be seventy (70) percent.

Section 2. Rights and Privileges. A geologist-in-training shall:

(1) Prepare geologic reports, documents, or conduct any geological work only while under the direct supervision of a registered professional geologist;

(2) Clearly identify himself or herself on any geologic reports or documents and to the public as a "geologist-in-training";

(3) Limit his or her professional geologic work to the specific services for which he or she is competent based on professional, training, education, and experience; and

(4) Not provide supervision for a registered professional geologist or another geologist-in-training.

Section 3. Incorporation by Reference. (1) "Application for Certification as a Geologist-in-Training", July 10, 2013 edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Registration for Professional Geologists, 911 Leawood Drive, Frankfort, Kentucky 40601, (502) 564-3296, Monday through Friday, 8 a.m. to 5:00 p.m. (32 Ky.R. 1012; 1224; eff. 2-3-2006; 39 Ky.R. 2391; 40 Ky.R. 540; eff. 10-4-2013.)

201 KAR 31:090. Complaint management process.

RELATES TO: KRS 322A.030(6), (7), (8), 322A.100(1)-(5)

STATUTORY AUTHORITY: KRS 322A.030(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322A.030(8) allows any person or organization to file a complaint regarding misconduct against any registered professional geologist or geologist-in-training. KRS 322A.090(2) prohibits any person not registered by the board from practicing geology or using or otherwise assuming in any way any title or description tending to convey the impression that the person is a registered professional geologist. This administrative regulation establishes procedures for the investigation of a complaint received by the board.

Section 1. Definitions. (1) "Chair" means the chair or vice-chair of the board.

(2) "Charge" means a specific allegation contained in a Notice of Administrative Hearing, as established in subsection (7) of this section, issued by the board alleging a violation of a specified provision of KRS Chapter 322A or 201 KAR Chapter 31.

(3) "Complaints committee" means the committee appointed pursuant to Section 7 of this administrative regulation.

(4) "Informal proceeding" means a proceeding instituted before, during, or after the disciplinary process with the intent of reaching a disposition of a matter.

(5) "Initiating complaint" means a written statement alleging possible misconduct by a registered professional geologist or geologist-in-training, or other person which might constitute a violation of KRS Chapter 322A or 201 KAR Chapter 31.

(6) "Investigator" means an individual designated by the board to assist the board in the investigation of a complaint.

(7) "Notice of Administrative Hearing" means a formal administrative pleading authorized by the board which sets forth charges against a registered professional geologist or geologist-in-training and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B.

Section 2. Receipt of Initiating Complaints. (1)(a) An initiating complaint may be submitted by an individual, organization, entity, or the board based on information in its possession.

(b) An initiating complaint shall be in writing and shall be signed by the person offering the initiating complaint.

(2) Upon receipt of an initiating complaint.

(a) A copy of the initiating complaint shall be sent to the individual named in the initiating complaint, along with a request for that individual's response to the initiating complaint.

(b) The individual shall submit a written response within twenty (20) days from the date of receipt.

Section 3. Initial Review. (1)(a) After the receipt of an initiating complaint and the expiration of the period for the individual's response, the complaints committee shall consider the initiating complaint, the individual's response, and other relevant material available and make a recommendation to the board.

(b) The board shall determine whether there is enough evidence to warrant an investigation of the initiating complaint.

(2) If, in the opinion of the board, an initiating complaint does not warrant an investigation of the initiating complaint, the board shall dismiss the initiating complaint and shall notify both the complaining party and the individual of the outcome of the initiating complaint.

(3) If, in the opinion of the board, an initiating complaint warrants an investigation against either a registered professional geologist, geologist-in-training, or a person who may be practicing without appropriate credential, the board shall authorize an investigator to investigate the matter and make a report to the complaints committee.

Section 4. Results of Formal Investigation; Board Decision on Hearing. (1)(a) Upon completion of an investigation, the investigator shall submit a report to the complaints committee of the facts regarding the initiating complaint.

(b) The complaints committee shall review the investigative report and make a recommendation to the board.

(c) The board shall determine whether there is enough evidence to believe that a violation of KRS Chapter 322A or 201 KAR Chapter 31 may have occurred and whether a Notice of Administrative Hearing shall be filed.

(2)(a) If, in the opinion of the board, an initiating complaint does not warrant the issuance of a Notice of Administrative Hearing, the board shall dismiss the initiating complaint or take other action in accordance with Section 5 of this administrative regulation.

(b) The board shall notify both the complaining party and the individual of the outcome of the initiating complaint.

(3) If, in the opinion of the board, a person may be practicing without appropriate credential, the board may:

(a) Issue a letter ordering that person to cease and desist from the uncredentialed practice of geology or using any words or phrases prohibited by KRS 322A.090(2); or

(b) Forward information to the county attorney of the county of residence of the person allegedly practicing without appropriate credential with a request that appropriate action be taken under KRS 322A.990(1)-(2).

Section 5. Settlement by Informal Proceedings; Letter of Admonishment. (1) The board, through counsel and the complaints committee, may enter into informal proceedings with the individual who is the subject of the initiating complaint for the purpose of appropriately dispensing with the matter.

(a) An agreed order or settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the initiating complaint.

(b) The board may employ mediation as a method of resolving the matter informally.

(2)(a) The board may issue a written admonishment to the registered professional geologist or geologist-in-training if in the judgment of the board:

1. An alleged violation is not of a serious nature; and

2. The evidence presented to the board after the investigation and appropriate opportunity for the registered professional geologist or geologist-in-training to respond, provides a clear indication that the alleged violation did in fact occur.

(b) A copy of the admonishment shall be placed in the permanent file of the registered professional geologist or geologist-in-training.

(c) Within thirty (30) days of receipt of a written admonishment, the registered professional geologist or geologist-in-training may file:

1. A response to the written admonishment which shall be placed in the registered professional geologist's or geologist-in-training's permanent file; or

2. A request for hearing with the board. Upon receipt of this request, the board shall set aside the written admonishment and set the matter for hearing pursuant to the provisions of KRS Chapter 13B.

Section 6. Notice and Service Process. A notice required by KRS Chapter 322A or this administrative regulation shall be issued pursuant to KRS 13B.040.

Section 7. Complaints Committee. The Complaints Committee shall:

(1) Be appointed by the chair of the board to:

(a) Review an initiating complaint or investigative report; and

(b) Participate in an informal proceeding to resolve a formal complaint;

(2) Consist of two (2) board members, who may be assisted by board staff, an investigator, and counsel. (32 Ky.R. 1013; 1225; eff. 2-3-2006; 39 Ky.R. 2395; 40 Ky.R. 540; eff. 10-4-2013.)